

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

AMICA MUTUAL INSURANCE COMPANY

v.

C.A. 11-070L

WHOIS PRIVACY PROTECTION SERVICE,
INC., ET AL

AMENDED¹ MEMORANDUM AND ORDER

On May 10, 2012, Magistrate Judge Martin issued a Memorandum and Order that granted Plaintiff, Amica Mutual Insurance Co.'s, March 5, 2012 Motion for Sanctions (the "Sanctions Order"). Magistrate Judge Martin also issued a companion Report and Recommendation (the "R&R"). Both recommend denial of Defendant Darrin Bagnuolo d/b/a Darba Online, Darba Domains and Darba Enterprises Inc.'s ("Bagnuolo") Motion to Dismiss as a sanction for Bagnuolo's failure to comply with the Magistrate Judge's February 3, 2012 Order (the "Discovery Order").

Defendant Bagnuolo has taken an appeal from the Memorandum and Order and objected to the Report and Recommendation. The appeal and objection were due on May 28, 2012. On June 1, 2012, Bagnuolo purported to file an objection to the R&R and the Sanctions Order. The objection and appeal are both untimely.

¹ This Amended Memorandum and Order differs from the Memorandum and Order (Dkt. #56) ("M&O") issued on June 26, 2012, by changing the last two sentences of the M&O.

Even if considered timely, a thorough examination of the record indicates that all the rulings made by Magistrate Judge Martin were correct.

Therefore, the appeal is denied and the Memorandum and Order hereby is affirmed and the Report and Recommendation is accepted and adopted by the Court.

In addition to the attorneys' fees of \$2,133.00, which Bagnuolo was ordered to pay to plaintiff Amica, this Court adds a sanction of \$2,000.00 because the appeal and objection are frivolous. Therefore, Bagnuolo shall pay as a sanction the total amount of \$4,133.00 to Amica Mutual Insurance Company. Payment shall be made within 21 days of this Order.

SO ORDERED:

/s/ Ronald R. Laqueux
Ronald R. Laqueux
Senior U.S. District Judge
June 29, 2012